

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

04 DEC -9 AM 10:27

HENRY ERNEST DAVENPORT, JR.,)
Plaintiff,)
vs.) CV 04-UWC-RRA-2849-S
SHERIFF MIKE HALE, *et al.*,)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 5, 2004, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff filed objections to the report and recommendation on November 16, 2004.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 8th day of December, 2004.



Chief United States District Judge
U.W. Clemon